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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JASON RYAN THOMAS,

Defendant and Appellant.

D061340

(Super. Ct. No. SCS25912)

APPEAL from a judgment of the Superior Court of San Diego County, Kathleen M. Lewis, Judge. Affirmed.

Jason Ryan Thomas entered a negotiated guilty plea to attempted burglary (Pen. Code, §§ 664, 459)<sup>1</sup> and false personation (§ 529, subd. (a)(3)), and admitted a prior strike conviction allegation (§ 667, subds. (b)-(i)). The court sentenced him to the agreed lower term of 12 months, doubled, for the attempted burglary conviction and a consecutive one-third of the midterm of eight months, doubled, for the false personation

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<sup>1</sup> All statutory references are to the Penal Code.

conviction resulting in a total prison term of three years four months to run concurrently with a sentence on another matter. His request for a certificate of probable cause was granted but his *Marsden*<sup>2</sup> motion was denied. Thomas appeals. We affirm the judgment.

## FACTS

Thomas admitted he attempted to pry open the window of a residential apartment and, when apprehended, identified himself to the authorities as his twin brother.

## DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738. Counsel mentions as a possible, but not arguable, issue: whether Thomas's *Marsden* motion to relieve appointed counsel was properly denied.

We granted Thomas permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738 has disclosed no reasonably arguable appellate issues. The record contains no evidence of an irremediable conflict between him and his trial counsel or that his trial counsel performed below acceptable standards of representation on his behalf. Thomas has been competently represented by counsel on this appeal.

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<sup>2</sup> *People v. Marsden* (1970) 2 Cal.3d 118.

DISPOSITION

The judgment is affirmed.

McDONALD, J.

WE CONCUR:

HALLER, Acting P. J.

McINTYRE, J.